

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

GEORGE CABELL,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00681

WARDEN T. R. CRAIG, et al.,

Defendants.

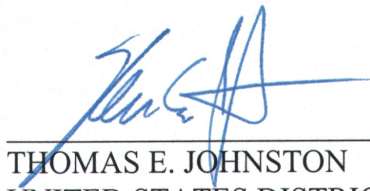
JUDGMENT ORDER

By Standing Order entered on August 1, 2006, and filed in this case on October 29, 2007, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation [“PF&R”]. Magistrate Judge Stanley filed her PF&R on July 22, 2008 [Docket 31]. In that filing, the magistrate judge recommended that this Court grant Defendants’ Motion to Dismiss [Docket 21-1] and deny Defendants’ alternative Motion for Summary Judgment [Docket 21-2] and Plaintiff’s Counter-Motions for Summary Judgment [Dockets 24 and 26].

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, objections to Magistrate Judge Stanley’s PF&R were due by August 8, 2008, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Neither party has objected to the PF&R.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge Stanley, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby **GRANTS** Defendants' Motion to Dismiss [Docket 21-1] and **DENIES** Defendants' alternative Motion for Summary Judgment [Docket 21-2] and Plaintiff's Counter-Motions for Summary Judgment [Dockets 24 and 26]. This case is **DISMISSED** and the Clerk is directed to **REMOVE** it from the Court's docket. The Clerk is further directed to mail a certified copy of this Judgment Order to all counsel of record, Plaintiff, *pro se*, and a copy to Magistrate Judge Stanley.

ENTER: August 12, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE